

**REMARKS/ARGUMENTS**

This application has been carefully considered in light of the Non-Final office action dated March 30, 2009.

Claims 1-55 have been cancelled. Claims 56 and 57 are currently amended. New claims 58-68 have been added. Even in light of these amendments, no new matter has been added.

The Examiner is rejecting claims 28-30 and 52-54 and 56-57 under 35 U.S.C. 112, first paragraph. More specifically the following reasons are given as follows: claims 28-30, 52-54, 56 and 57 recite the limitation of "filter traps and eliminates Legionella Pneumonophila"; claims 28, 56 and 57 do not support the fibers listed in the Markush grouping; claim 52 recites "conventional machines"; and finally, claim 56 is rejected for the inclusion of "a sandwich" that is formed from a mixture of two non-woven fabrics". The Examiner further states the inclusion of this material constitutes new matter.

It should be noted claims 28-30 and 52-54 have been cancelled.

In relation to the use of "elimination" in claims 56 and 57 attention is drawn to paragraphs 0097 and 0480 (listed below) of the applicant's published application (emphasis added):

[0097] Tests on our product have allowed an aura effect to be observed which creates an area where Legionella does not exist around it. This effect allows us to use products

referred to in the patent as powerful bactericides which eliminate bacteria form the biofilm creating sterile areas.

[0480] Woven fabric and non woven fabric fibre filter claimed in this family of patents, treated with compounds or mixtures of compounds listed in this family of patents to eliminate biofilms in solid-liquid interfaces, for example: fabric made from polyester polypropylene filaments treated with BCD with a layer of plastic mesh to protect the action of the biofilm in water-liquid interfaces.

These paragraphs support the inclusion of the filter eliminating Legionella, therefore the inclusion of this limitation in the claims is felt to be proper and does not constitute new matter.

Claims 56 and 57 have been amended to correctly state the "fibers are" selected from the Markush group as listed removing "type" from the claims.

Finally, support for the inclusion of "... a sandwich that is formed from a mixture of nonwoven fabrics ..." can be found in paragraph 0075 of the applicant's published application as seen below:

[0075] Non woven fabrics manufactured with the characteristics described in the above paragraphs have been mixed with other non woven fabrics so that they form a anti-Legionella non woven fabric sandwich, with a non woven fabric support and polypropylene, polyethylene, polyester, glass fibre, steel, aluminium, foam etc compounds as a support for the product in the invention.

Based on the amendments to the claims and support from the specification for the inclusion of the subject matter, removal of the rejection is respectfully requested.

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The Examiner is rejecting claims 28-30 and 52-54 and 56-57 under 35 U.S.C. 112, second paragraph for failing to point out and distinctly claim the subject matter of the application.

Specifically, the use of "anti-bacterial compounds" in treatment of the fibers of the applicant's claims invention in claims 28, 56 and 57. In claims 28, 56 and 57 the recitation of "fibers of a type" is unclear. Claim 53 contains limitations not found in the previous claim 28 from which the claim depends. The Examiner is rejecting the Markush groups of claims 56 and 57. Claim 56 is specifically rejected for unclear language in defining how the sandwich is structured. And finally, claim 57 is unclear for the use of a second component.

Claims 28-30 and 52-54 have been cancelled. Claims 56 and 57 have been amended to more distinctly claim the subject matter of the applicant's claimed invention. Based on the amendments to the claims, removal of the rejection is respectfully requested.

The Examiner is rejecting claims 28-30, 52-54, 56 and 57 under 35 U.S.C. 102(b) as anticipated by or in the alternative under 35 U.S.C. 103(a) as obvious in view of US Patent Publication 2003/0170453 to Foss. Claims 28-30, 52-54, 56 and 57 are rejected under 35 U.S.C. 103(a) as obvious over Foss in view of US Patent Publication 2003/0031687 to Falder.

In review of the Foss application and some of the differences with that of the applicant's claimed invention the following is submitted from the Foss application (emphasis added):

[0106] PETG is an amorphous binder **fiber** which can be **blended into yarns with other fibers to form fabrics**, as well as non-woven fabrics. After heat activation, the **PETG fiber melts, wets the surface** of the surrounding fibers, and settles at the crossing points of the fibers, thus forming "a drop of glue" which bonds the fibers together **and distributes the anti-microbial additives**.

[0107] The excellent wetting characteristics of **PETG can be used to distribute the anti-microbial additive** uniformly within a yarn or fabric. In addition to the zeolite of silver, the PETG could carry other inorganic anti-microbial additives such as copper, zinc, or tin.

[0145] **PETG** may be used as one of the polymer blends and/or carriers for a wide variety of applications. PETG is an amorphous binder fiber that can be blended into yarns with other fibers to form woven fabrics, as well as knits and non-woven fabrics. It has two characteristics of particular interest: (1) excellent wetting and (2) low melting temperature (which can be controlled between 90.degree. C. and 160.degree. C.). **It is used in the present invention as a carrier to carry pigments and/or anti-microbial additives** and/or other additives and is blended with other fibers which may be natural fibers such as cotton, silk, flax, wool, etc. or other synthetic fibers such as: PET, PP, PE, Nylon, Acrylic, etc. After heat activation, the PETG melts, continuously releases the color pigments and/or anti-microbial or other additives and wets the surface of the surrounding fibers with the pigment and/or anti-microbial or other additives it carries. It settles at the crossing points of the fibers, thus forming "a drop of glue" which bonds the fibers together. Therefore, **PETG delivers and distributes the pigments and/or anti-microbial or other additives uniformly within a fabric, generating the finished fabrics and/or fabrics having anti-microbial properties.**

PETG is used in the Foss application to deliver the anti-microbial additives. PETG has a melting point substantially lower than that of the 200°C at which the applicant's claimed invention can function. While the materials which make up the

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fabrics and filters of Foss and the applicant's claimed invention are similar, the Foss application would lose its antimicrobial/antibacterial advantage well below the claimed temperatures of the applicant's invention. This advantage comes from the integrated treatment to the body and core of the fiber which make up the fabric and filter. The fiber which has a much higher melting point than does PETG now in itself contains the antibacterial compound. As long as temperatures stay below the melting point of the fiber itself, the filter will have antibacterial properties. The use of PETG with its low melting point limits Foss' ability to provide antibacterial properties.

Based on the arguments outlined above as well as the amendments to the claims, it is not believed Foss could anticipate the applicant's claimed invention, nor would it render obvious the applicant's claimed invention. Likewise if Foss does not anticipate the applicant's claimed invention, the combination of Foss and Falder would not result in the applicant's claimed invention.

In light of the foregoing it is respectfully requested that the rejections of the claims be removed and a subsequent notice of allowance be issued.

An earnest effort has been made to place this application in condition for formal allowance, which action is requested.

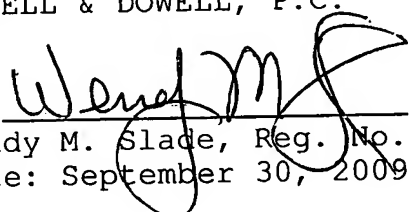
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Should the Examiner have any questions regarding the allowability of the claims, it is requested that an interview be granted with applicant's representative prior to taking any action that may be considered as final. Any fees necessitated by the filing of this response may be charged to Deposit Account 04-1577.

Respectfully submitted,

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By   
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Date: September 30, 2009

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